

LSK&D #: 564-8006 / 1007005

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CINDY HOGAN-CROSS,

Plaintiff,

-against-

METROPOLITAN LIFE INSURANCE
COMPANY and INTERNATIONAL BUSINESS
SYSTEMS CORP.,

Defendants.
-----X

No. 08 CV 00012 (LAK)

**NOTICE OF MOTION TO
DISMISS**

PLEASE TAKE NOTICE that, upon the annexed Memorandum of Law and Declaration of Allan M. Marcus, and the exhibits thereto, Defendants Metropolitan Life Insurance Company and International Business Machines Corporation ("IBM") (incorrectly sued as "International Business Systems Corp."), will move this Court, before the Honorable Lewis A. Kaplan, at the United States Courthouse at 500 Pearl Street, New York, New York 10007, at a date and time to be scheduled by the Court, for an Order, pursuant to F. R. Civ. P. 12(b)(6), dismissing defendant IBM from this Action.

Dated: New York, New York
April 11, 2008

Respectfully submitted,

LESTER SCHWAB KATZ & DWYER, LLP



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TO:

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